

Montgomery County Commissioners Meeting
November 4, 2003 ~ 6:00 p.m.
Chairman – William D. Maness “Billy”
Vice-Chairman – Dolon W. Corbett
Commissioner - Sally M. Morris
Commissioner – R.C. Bostic
Commissioner – George H. Knight, Jr.
County Manager – Lee Matthews
Clerk – Laura B. Morton
County Attorney – Russell J. Hollers

The Montgomery County Board of Commissioner’s met in regular session on Tuesday, November 4, 2003 at 6:00 p.m. in the Montgomery County Commissioners’ Room. All board members were present. *Chairman Maness called the meeting to order and the following was heard:*

Rev. Ray Lammers of Troy Presbyterian Church gave the invocation.

Approval of Minutes

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to approve the minutes for the last meeting.

Public Forum

Nancy Ruppert appeared before the board with the following:

“Thank you for the opportunity to come before you tonight. I’d like to address two issue; both firefly enough to stay within a three minute total time frame. As you know, the Comprehensive Economic Development Strategy is a project begun in this area about a year ago as part of the process toward bolstering economic development in Montgomery and other central North Carolina counties which comprise N.C.’s 8th congressional district. The engineers for Fluor-Global Location Strategies were contracted to objectively assess the past and present of this region’s economic development and to advise us on how we might be able to influence a brighter economic future here. Two primary features of this strategy, according to one of those working on it, are that it is comprehensive, and that it creates stakeholder commitment. That means that most if not all stakeholders in economic development must make some level of commitment if we are to succeed in this endeavor. I would venture to say that the stakeholders in local economic development now include a widely diverse population, and we will need focused leadership in this effort. This looks like the best chance we have of economic recovery and stability, but the comprehensive nature of it will require a community-wide effort—input from many who usually don’t participate. While a grant from the federal government or revising of international grade agreements may be helpful, we will have a quicker and more successful return on our investment if we pull more from our own local resources of able people. I want to thank you for what you’ve already been doing to participate in this ongoing project, and ask that you not only invest part of yourselves in it, but that you get your friends and neighbors to invest in it also.

The second issue is the commissioner work sessions. These are usually held from 4:00 until 6:00 p.m. on a week day one or two times per month, and I think it would be fair to say that the nuts and bolts of what influences your decision-making occurs during the work sessions. Because the actions that you take here in this room affect virtually all of us in our everyday lives, and because of your elected positions as county commissioners, you are the core of leadership in the county. Many of those who might look to you as role models for their own future positions of leadership, for example, the most recent graduates of Leadership Montgomery, do not have an opportunity to really see those leadership behaviors because most of them work 8-5 or 9-5 and cannot leave their jobs early to attend the work sessions. Then there are those like myself, an average Jane Doe who simply wants to know more about how our county government operates. I am pleading with you to give us more opportunities to directly witness the excellence that you promised in the campaign for that seat in which you now sit. Thank you.”

Patricia Marshall appeared before the board regarding a conditional use permit her son had been approved for. She said she was appearing before the board because this is her last resort. She said she has been to the planning board and they approved the conditional use permit. She said no where on my paperwork does it say it is only good for 6 months. Phil Henley is telling me it is only good for 6 months. She said the septic tank permit is good for five years. She said I went to see Phil and he said he didn’t see the set-up permit, she said I have it here. She said Phil is saying the conditional use permit has run out, my son is without housing now. All the money he received being honorably discharged is in the ground. She said my son needs a place to stay. This is a hardship case. She said if the septic permit is 5 years, why can’t the conditional use permit be? Chairman Maness asked about the age of the mobile home. Mrs. Marshall said it is a 1969. Chairman Maness said we will take into consideration, but the proper steps is to go through the Planning Board. Commissioner Bostic questioned Mr. Henley about the time limit. Mr. Henley said a conditional use permit is good for six months. Mrs. Marshall said I should have been informed of that, I didn’t know that or we would have speeded up. We didn’t know. My son was shipped to Germany and came back disabled. Commissioner Knight asked if there was a charge to go back through the Planning Board? Mr. Henley said \$150. Commissioner Knight said he paid the \$150 one time. He said all I have to go on is this book (Zoning Ordinance) and it says six months.

Commissioner Knight said with this conflict can we waive this fee? Chairman Maness said it is the board's decision, but it has to go through the Planning Board. Mrs. Marshall asked why do I have to go back through the Planning Board, I have already been there? Commissioner Corbett said he would like to see the fee waived. Mrs. Marshall said you can't make the decision now? Chairman Maness said no.

In a motion made by Commissioner Corbett, seconded by Commissioner Bostic, and so the motion carried unanimously to approve the motion to waive the \$150 fee for this case to go back through the Planning Board.

Bob Case appeared before the board with concerns about the building moratorium at Twin Harbor. He read from an article from a paper regarding the moratorium at Twin Harbor. He said who is going to tweak the ordinance? What part is not understood? He said if you are going to use the same attorney I hope he does better. He asked why Twin Harbor is being singled out? He said what I get from the article is Pete and Phil are short-handed. He said we pay taxes for service. He requested the moratorium be lifted. Mr. Matthews said meetings were set-up to discuss these issues and most of the violations are in Twin Harbor. Mr. Case said I respectfully disagree, has Phil Henley provided you with a list? Mr. Henley said no, but I can, because most violations in Twin Harbor. Mr. Case said there aren't many permits are being bought from property owners at Twin Harbor. Chairman Maness said that is part of the problem.

Public Hearing for the Proposed Exotic Animal Ordinance

Chairman Maness recessed the regular session and called to order the Public Hearing for the proposed Exotic Animal Ordinance. Chairman Maness explained to those present that there would not be a vote tonight regarding this ordinance. He asked that comments be brief and that the comments be directed to the ordinance.

Mr. David McBride appeared before the board with concerns regarding the Exotic Animal Ordinance. He presented a petition with 325 names to the board. He referenced animal attacks such as Roy Horne who was attacked by the tiger and Timothy Treadwell who was attacked by a grizzly bear. He said inherently dangerous are just that, they are prone to problems because these animals are caged.

Mr. McBride said that the Buck Mountain Buffalo Ranch. He said there are four examples of 1 of each species that has escaped.

Chairman Maness said I don't want the comments in this hearing to get personal.

Mr. McBride said I have put faith in you.

Mrs. Kay Taylor came before the board. She lives across the road from Buck Mountain Buffalo Ranch. She wants to know where it stops. She said if there is a ruling that he can't have anymore or what if someone is injured? Do we call animal control? She said a cat came up and scratched/bit my granddaughter and animal control could not find the cat and my granddaughter had to have the rabies shots.

Commissioner Knight asked about the cat that attacked her granddaughter, what kind was it? Mrs. Taylor said I don't know, they couldn't find the cat, it just came up. My granddaughter had to have the shots.

Glen Henry owner of the Buck Mountain Buffalo Ranch also appeared. He said who are we going to call? He said I am USDA licensed. He said you have to have 2 years prior experience to have a license. He said they come down periodically and inspect my facility. He said the last two inspections; I received an A+ both times. He said I take care of my animals. The animals have not been off of my property. He said they inspect my cages. I have owned for three years, and have never had an incident with the bear. The bear has been de-clawed. He said I am a double amputee. He said Gov. Mike Easley proclaimed November as Red Wolf Awareness Month. He said the Red Wolf is native to North Carolina along with the black bear. He asked what is going to happen when the red wolves come up. He said Gov. Easley is accepting donations. (He had the newspaper article regarding this with him).

Mr. Henry presented a petition in support of his ranch that includes 710 names and addresses. He said they think I am doing what I am supposed to be doing. He said this petition has been signed by school teachers too. He said some people can't afford the zoo. He said I have a paper signed by a notary public that is my neighbor that says none of my animals have ever been out.

He said he has a license to breed. There was a discussion regarding breeding.

Mr. Henry said I bought two bears on January 1, 2003 that haven't been delivered. He said I bought them for breeding purposes. He said Roy Horne was attacked, but no one told why he was attacked by the tiger. Mr. Horne hit the tiger on the nose with the microphone and the tiger attacked him. The bear mauled two people standing on the bridge because they were throwing rocks on him. He said there is a reason for everything.

He said I have always loved animals. He said I may have done something wrong, but I thought everyone would enjoy the ranch. He said this is not like that bike rally that happened in Eldorado. He said you should see the kids' faces when they see these animals.

Commissioner Knight asked Mr. Henry how his business is listed? Mr. Henry said it is donation only and it is listed as the Buck Mountain Buffalo Ranch. Is it a business? Mr. Henry said yes. He asked if he had already purchased the bears for breeding. Mr. Henry said yes. Commissioner Knight asked if it is a non-profit organization? Mr. Henry said yes, we don't charge. Commissioner Knight asked why do you do it? Mr. Henry said because I enjoy it.

Commissioner Knight said I never see advertisements about the ranch. Mr. Henry said if I wanted it for show I would advertise. He said I don't advertise; I just put up posters. He said I don't really care if people come or not.

Commissioner Knight said I don't have a problem with the ranch, but if it was beside of me I would. He said a business needs revenue.

Commissioner Bostic said he visited the ranch and it is very well kept. He said the animals are contained the way they should be. He said the animals and cages are clean.

Mr. Ted Harris a resident of Troy appeared before the board. Mr. Harris said I am here as a citizen of not only the county, but of the United States. He said he sees this as just another right of ours being taken away. He said it is all about rights.

Mr. Carl Ivens of 134 Morton Road appeared before the board in support of the Buck Mountain Buffalo Ranch. He said the ranch is USDA licensed and has passed inspections. He said I am out of work and am over there four to five days a week. He said he buys feed from local businesses.

Mr. Scott Mabry appeared before the board with concerns about the Buck Mountain Buffalo Ranch. He said he had no intentions of speaking at the hearing. He said the closer you live to the ranch the more concerned you are. He said this is not personal against Mr. Henry. He said we have a world class zoo close to us. He said I am concerned about my grandchildren and other children. He said I want the community to stay peaceful. He said adjoining counties have similar ordinances.

Ms. Lorraine Smith appeared before the board regarding the proposed. Mrs. Smith is the Mammal Curator at the N.C. Zoological Park in Asheboro. She said we are called daily about exotic animals. She said red wolves were reintroduced 10 years ago. She was concerned about some omissions the proposed ordinance has, and offered some suggestions.

They are as follows:

- primates need to be added
- elephants and other carnivores need to be added
- swine & giant snakes need to be added
- prohibit all mammal species
- she questions circuses with bears, etc. – she offered a compromise to have them submit a report.
- page 3 of ordinance – 3 day impoundment is short
- discussed problems moving animals
- are Animal Control officers properly trained
- she said bear may be de-clawed, however, still dangerous
- file escape plan with Animal Control officers. N.C. Zoo is well-funded, but breach containment is impossible due to human error. No one is exempt from escape
- recommends any cost due to escape, etc. be owners responsibility, not the county's
- if grandfather, containment criteria
- are Animal Control Facilities adequate
- recommends animals be ID (i.e. microchips)
- she said there are fallacies that say wild animals can be domesticated, they can be dangerous.
- She said breeding is not conservation.
- N.C. Zoo does have dollar days. School children get in free.

Commissioner Corbett said donations to the zoo are tax-deductible.

Commissioner Bostic asked Ms. Smith what her title is? Ms. Smith said Mammal Curator. Mr. Bostic said don't you think you represent a conflict of interest? Ms. Smith said this has nothing to do with competition. We don't see other zoos as competition. Commissioner Bostic asked if she had seen the Buck Mountain Buffalo Ranch? Ms. Smith said no, I wasn't aware there were problems with him. I just wanted to share my expertise and let you know you can use the zoo as a resource.

Commissioner Bostic said I have a problem with you speaking; this is a little person who wants to do something good. Ms. Smith said I am not speaking against him. She said I have worked with other counties in getting an ordinance such as this together she said this kind of issue pits neighbor against neighbor. She said my interest is private ownership of exotic animals.

Commissioner Bostic asked if there is a fee to enter the zoo? Ms. Smith said \$10 and free for school age kids. She said we do have dollar days where it only cost \$1.

Commissioner Knight said he never thought about some of the things Ms Smith has spoken about. She said wild animals can be dangerous. Ms. Smith said that in another county, EMS has requested that we add something about venomous animals. She said I didn't think anything about that. She said more and more issues come up. She said we never thought about the prairie dog getting monkey pox.

Chairman Maness asked how did you find out about this public hearing? Ms. Smith said the hard way, the Courier Tribune. She said we prefer placement of the animals instead of euthanasia

Commissioner Morris said so the zoo will come help us if an animal gets out. Ms. Smith said you have a formal agreement; however, you would want something done before we could get here. She said the agreement would be for after the capture. The unfortunate thing about this is that it does pit neighbor against neighbor.

Commissioner Knight said we need to be prepared for all situations. Mrs. Smith said I am in favor of grandfathering.

Commissioner Knight said what you are saying that you should not breed unless it is needed? Ms. Smith said correct. The zoo uses genetic modeling. Commissioner Knight asked if she knows anyone who breeds for sale. She said yes.

Mr. Paul Shaw appeared before the board regarding the Buck Mountain Buffalo Ranch. He said he was present to take up for Mr. Henry. He said he helped with the petition. What are we going to do if they do escape? If animal control can't find a cat? They do not have the proper equipment. He said my daughter lives in Raleigh, if she has an exotic animal and she comes home and brings it with her, she has to be in and out of the county within 48 hours? He said I have taken my grandkids up there. Who is going to enforce the ordinance?

Mrs. Nancy Smith appeared before the board. She said my kids have been to the buffalo ranch and she said she sees no problem with the petting zoo. She said the ranch is close to her. Mrs. Smith said anyone can go.

Mr. David McBride reappeared before the board. He said you told me to keep my personal comments to myself and I kept my mouth shut. He said this is not against Mr. Henry. He said others have given positive comments on the positive side. He said these are inherently dangerous animals.

Chairman Maness said this does get personal. It is a very hard decision.

Public Hearing regarding the Proposed Tourism/Occupancy Tax

Chairman Maness adjourned the public hearing for the Exotic Animal Ordinance and called to order the public hearing regarding the proposed Tourism/Occupancy Tax.

Ms. Claudia Blair-Bulthuis, owner of the Blair House Bed and Breakfast appeared before the board with concerns about the Tourism Authority. She said 1/3 of the authority is made of hotel and/or bed and breakfast owners and there are only three. She also said she didn't think that much money would be generated for tourism. She said don't get me wrong, my business is tourism and I would welcome the money, but I would think it wouldn't generate much. Is there a resolution ready? Mr. Matthews said no. She said I would like the money to be spent in the county, but I have a problem with the way the state says we have to spend it. She said she would like the funds for the county, but feels there would be a problem establishing the authority.

She said she would like to encourage the board to consider purchasing the Troy Town Hall for use by the Chamber of Commerce and Economic Development. She said that is the first impression people have of our county. She said I encourage your consideration of this.

Chairman Maness adjourned the public hearing regarding the proposed Tourism/Occupancy Tax.

Planning and Zoning Report

Mr. Phil Henley presented the following hardship case for Robert and Geraldine Dennis. Mr. Henley explained that this request is a hardship case for their property located at 147 Sugarloaf Road in Troy, N.C. 27371, between Sugarloaf Road south and River Road west. This request is in order to set-up a singlewide mobile home due to the hardship created after their stick built home dwelling was destroyed by fire. The Planning Board would like to make the recommendation of approving the hardship on the

basis of having the mobile home set-up in the vicinity of the existing home (At least as far back as the home was located). Mr. Henley said there was some opposition to the request because of property value. He also informed the board the land has not been perked. He also said that Kenneth Knight had signed the petition against the singlewide and he called and withdrew his name.

Mr. Robert Dennis appeared and said he appreciated what the Planning Board did for them. He said I know people were against it because it would hurt their property value.

Chairman Maness said there is not a septic tank now? Mr. Dennis said my wife doesn't want the singlewide in the same place as the home, she said it would bring back memories. We want it in a different place. Chairman Maness said if it will perk.

Mr. Richard Greene a property owner at Sugar Loaf Shores was present and asked Mr. Henley to read the conditions recommended by the Planning Board. Mr. Henley did so. Mr. Greene said he doesn't think Mr. Dennis understands the conditions that it is not supposed to be seen from the road. He said he wanted to make sure it was removed upon his death, and he said that Mr. Dennis said he was going to get as close to a 2000 model as possible. Chairman Maness said we have no control over that, as long it is newer than a 1976 we can say anything. Mr. Greene said there was a lot of stuff said and he hopes Mr. Dennis understood it. He also produced pictures of Mr. Dennis' home before the fire and he was concerned about the condition.

Chairman Maness said this is a hardship case. He said I understand you want it out of sight because of property value.

There was a discussion about Mr. Dennis wanting to put it on the corner and couldn't because of the recommendation of the Planning Board. Mr. Dennis then came up and explained where he wanted to set the singlewide up. Mr. Henley said the mobile home will have to be as far back the house or adjacent.

Commissioner Knight said this is a hardship case, it looks like we should want to save the \$3,000 for a septic system. Commissioner Morris asked why wasn't the perk test done before. Mr. Henley said there is not a septic system on the property.

Commissioner Morris said we need to go along with what the Planning Board decided.

The board agreed to table this request until Mr. Dennis could bring the board a map of where the mobile home was going to be set-up.

Budget Revisions/Amendments

In a motion made by Commissioner Corbett, seconded by Commissioner Knight and so the budget revisions/amendments for DSS-Progress Energy Project Share and 911 Addressing (Rural EDC Grant) were unanimously approved. *A copy of these and all budget amendments are on file in the clerk to the board's office.*

Items Carried Forward from the Work Session

Water/Sewer Policies

In a motion made by Commissioner Corbett, seconded by Commissioner Bostic and so the motion carried 4-1 to waive all minimum fees on 4" lines or less on the new water lines that are not hooked-up and do not have a fire hydrant (Water District I and Water District II). This does include customers on Black Ankle Road who have a 6" water main, but no fire hydrant. (Voting For: Commissioner Corbett, Commissioner Bostic, Commissioner Knight, and Chairman Maness; Voting Against: Commissioner Morris).

Purchase of Troy Town Hall

In a motion made by Commissioner Morris, seconded by Commissioner Corbett, and so the motion carried 3-2 to enter into the lease agreement to purchase Troy Town Hall.

Commissioner Bostic said he must speak in opposition because we have more priorities than this.


Commissioner Knight said he would also have to speak in opposition to this because he would like to see the jail and the courthouse renovations completed and not spend any unnecessary funds until we do so.

Voting For: Commissioner Morris, Commissioner Corbett, Chairman Maness; Voting Against: Commissioner Bostic and Commissioner Knight.

There being no further business the meeting was adjourned.


William D. Maness, Chairman




Laura B. Morton, Clerk to the Board

